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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATION UNDER 37 CFR 1.8**

I hereby certify that the documents referenced herein are being deposited with the United States Postal Service as First Class Mail on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: October 6, 2004

Depositor's Name: Mariah Moorhead

Depositor's Signature: Mariah Moorhead

In re Appln of: Steven V. Leone

**Customer Code No.: 26799**

Serial No.: 10/688,822

Art Unit: 2681

Filing Date: October 17, 2003

Examiner: Unknown

Title: Electronic Article Surveillance Marker Deactivator Using Phase Control Deactivation

October 6, 2004

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**STATUS INQUIRY**

Sir:

In reviewing our records, we note that the above-identified application was filed on October 17, 2003 and, to date, the application is still awaiting substantive action. Please advise the status of the application and when Applicant can anticipate action thereon.

Respectfully submitted,



Frank A. Cona  
Reg. No. 38,412

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Attorney Docket No. C4-1099